

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

10CV4700  
Ho/well

## PLAINTIFFS

SunCal Communities I, LLC, SunCal Communities III LLC,  
Palmdale Hills Property LLC, SCC/Palmdale LLC, et.al.

## DEFENDANTS

Lehman Commercial Paper, Inc.  
Lehman Brothers Holding Inc.

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Winthrop Couchot P.C., 660 Newport Center Dr. 4th Floor,  
Newport Beach CA 92660 (949)720-4100

## ATTORNEYS (IF KNOWN)

Weil Gotshal & Manges LLP, 700 Louisiana Street #1600,  
Houston Texas 77027 (713) 546-5000CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. §158, Bankruptcy Appeal of Order under 11 U.S.C. § 362 and F.R.B.P. 9019

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

08-13555 #9313

## ACTIONS UNDER STATUTES

CONTRACT		PERSONAL INJURY		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 610 AGRICULTURE	[ ] 422 APPEAL	[ ] 400 STATE				
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	[ ] 365 PERSONAL INJURY -	[ ] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT				
[ ] 130 MILLER ACT	LIABILITY	MED MALPRACTICE	[ ] 625 DRUG RELATED	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST				
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	SEIZURE OF	28 USC 157	[ ] 430 BANKS & BANKING				
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	PROPERTY		[ ] 450 COMMERCE				
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT	21 USC 881		[ ] 460 DEPORTATION				
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[ ] 630 LIQUOR LAWS		[ ] 470 RACKETEER INFLU-				
ENFORCEMENT OF	LIABILITY		[ ] 640 RR & TRUCK		ENCED & CORRUPT				
JUDGMENT	[ ] 340 MARINE		[ ] 650 AIRLINE REGS		ORGANIZATION ACT				
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT		[ ] 660 OCCUPATIONAL		(RICO)				
[ ] 152 RECOVERY OF	LIABILITY		SAFETY/HEALTH		[ ] 480 CONSUMER CREDIT				
DEFAULTED	[ ] 350 MOTOR VEHICLE	[ ] 370 OTHER FRAUD	[ ] 690 OTHER		[ ] 490 CABLE/SATELLITE TV				
STUDENT LOANS	[ ] 355 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING			[ ] 810 SELECTIVE SERVICE				
(EXCL VETERANS)	PRODUCT LIABILITY	[ ] 380 OTHER PERSONAL			[ ] 850 SECURITIES/				
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	PROPERTY DAMAGE			COMMODITIES/				
OVERPAYMENT OF	INJURY	PRODUCT LIABILITY			EXCHANGE				
VETERAN'S BENEFITS					[ ] 875 CUSTOMER				
[ ] 160 STOCKHOLDERS SUITS					CHALLENGE				
[ ] 190 OTHER CONTRACT					12 USC 3410				
[ ] 195 CONTRACT PRODUCT					[ ] 890 OTHER STATUTORY				
LIABILITY					ACTIONS				
[ ] 196 FRANCHISE					[ ] 891 AGRICULTURAL ACTS				
					[ ] 892 ECONOMIC				
					STABILIZATION ACT				
					[ ] 893 ENVIRONMENTAL				
					MATTERS				
					[ ] 894 ENERGY				
					ALLOCATION ACT				
					[ ] 895 FREEDOM OF				
					INFORMATION ACT				
					[ ] 900 APPEAL OF FEE				
					DETERMINATION				
					UNDER EQUAL ACCESS				
					TO JUSTICE				
					[ ] 950 CONSTITUTIONALITY				
					OF STATE STATUTES				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:DEMAND \$ N/A OTHER BK Appeal

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**

☐ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judge Judgment

☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)**

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

SunCal Communities I LLC, SunCal Communities III LLC, Palmdale Hills Property LLC, SCC/Palmdale LLC, Acton Estates LLC, SunCal Beaumont Heights LLC, SunCal Emerald Meadows LLC, SunCal Johansson Ranch LLC, SunCal Bickford Ranch LLC, SunCal Summit Valley LLC, Seven Brothers LLC, Kirby Estates LLC, SJD Partners Ltd., SJD Development Corp., SCC Communities LLC, North Orange Del Rio Land LLC and Tesoro SF LLC.

2392 Morse Avenue, Irvine, CA 92614 - County of Orange

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Lehman Brothers Holdings Inc.  
Lehman Commercial Paper Inc.  
745 Seventh Avenue  
New York, NY 10019  
County of New York

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 6/15/10

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[X] YES (DATE ADMITTED Mo. Sept. Yr. 2009)  
Attorney Bar Code #1980853

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)